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August 2, 2024

Via CM/ECF

The Honorable Alvin K. Hellerstein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: AlexSam, Inc. v. American Express Travel Related Services Co., Inc.,
Case No. 1:21-cv-08116

Dear Judge Hellerstein:

As previously reported to the Court (Dkt. No. 63), the Parties have met-and-conferred with the aim of conserving the Court's and the Parties' resources and dismissing this case by way of a stipulation pursuant to Fed. R. Civ. P. 41(a)(1)(ii). To that end, the Parties propose the following course of action to resolve this litigation:

- AlexSam will dismiss with prejudice the operative Complaint asserting claims for patent infringement against Amex (Dkt. No. 2);
- Amex will dismiss without prejudice its counterclaims, which seek a declaratory judgment of noninfringement and invalidity of AlexSam's asserted patent (Dkt. No. 4);
- Amex's time to file any motion for attorneys' fees and costs shall be extended to thirty (30) days after the U.S. District Court for the Eastern District of Texas ("EDTX") decides the fully briefed motions for attorneys' fees and costs filed by Amex's former co-defendants in the related EDTX litigation, where AlexSam originally filed its infringement claims against Amex (before being transferred to this Court). AlexSam reserves the right to oppose any such motion for attorneys' fees and costs.

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The Parties believe the above proposal will conserve the Court's and the Parties' resources as it will moot Amex's pending motion for summary judgment (Dkt. Nos. 36-39) and resolves the matter while preserving Amex's right to file a motion for attorneys' fees and costs.

Respectfully submitted,

<u>/s/ Timothy C. Davis</u> Timothy C. Davis <i>Attorney for Plaintiff</i> <i>AlexSam, Inc.</i>	<u>/s/ Lewis Popovski</u> Lewis Popovski <i>Attorney for Defendant</i> <i>American Express Travel Related</i> <i>Services Company, Inc.</i>
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A suggestion of settlement having been made, this case is dismissed. The parties may reinstate the case on 14 days' notice for the purpose only of settling counsel fees. Otherwise, if the settlement is not consummated within 30 days of this order, either party may apply by letter for restoration of the action within ten days after the close of said period. All pending court dates are canceled. The Clerk is directed to close the case.

SO ORDERED.

Dated: 8/6/24
 New York, New York

/s/ Alvin K. Hellerstein
 ALVIN K. HELLERSTEIN
 United States District Judge